

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 6, 2006

The Marlboro Township Council held its regularly scheduled meeting on April 6, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli. Absent: Cantor

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Resolution #2006-165 (Authorizing Contract - Recreation Improvement Grant - Birdsall) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). This resolution was rescinded on May 4th.

Council President Morelli opened the Public Hearing on Ordinance #2006-12 (Speed Limit Topanemus Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. #2006-147/Ord. #2006-12 (Speed Limit Topanemus Road) was introduced by reference, offered by Councilman Pernice

and seconded by Councilman Rosenthal. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-147

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-12

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR TOPANEMUS ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

which was introduced on March 16, 2006, public hearing held April 6, 2006, be adopted on second and final reading this 6th day of April, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution Res. #2006-148/Ord. # 2006-13 (Criminal Background Checks for Volunteers) was introduced by reference, offered by Councilman Pernice and seconded by Council President Morelli. Discussion followed, during which Councilman Pernice explained the provisions of the ordinance. Recreation Chairman Stephen Dick was present for discussion, after which it was Council's consensus to incorporate an effective date of August 1, 2006. The resolution was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-148

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28 "RECREATION COMMISSION" TO INCLUDE A NEW ARTICLE ENTITLED "CRIMINAL BACKGROUND CHECKS FOR VOLUNTEERS"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 20, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-13

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MARLBORO TO CREATE A NEW CHAPTER ENTITLED "CHAPTER 56, CRIMINAL BACKGROUND CHECKS" REQUIRING CRIMINAL BACKGROUND CHECKS FOR CERTAIN VOLUNTEERS AND EMPLOYEES OF THE MARLBORO RECREATION COMMISSION

WHEREAS, the Marlboro Recreation Commission administers and funds certain athletic and camp programs for the youth of the Township of Marlboro; and

WHEREAS, through these programs, certain adult volunteers and employees have direct, unsupervised contact with minors; and

WHEREAS, the Township of Marlboro wants to ensure that it is providing the safest possible recreational programs for its youth; and

WHEREAS, pursuant to N.J.S.A. 53:1-20.6 and its implementing regulations located at N.J.A.C. 13:59-1.1, *et seq.*, all governmental entities of this State, including municipalities, may obtain criminal history record information for any official governmental purpose, including, but not limited to, employment; and

WHEREAS, the Marlboro Township Recreation Commission recommends that all coaches, assistant coaches and seasonal employees with direct unsupervised access to minors be required to submit to a criminal history background check; and

WHEREAS, the Township has determined that such a requirement is in furtherance of the health, safety and welfare of its residents and is consistent with the authority granted to it by N.J.S.A. 53:1-20.6.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the Code of the Township of Marlboro be and hereby is amended to include a new chapter entitled "Chapter 56, Criminal Background Checks" to read in its entirety as follows:

"Chapter 56, CRIMINAL BACKGROUND CHECKS"

§ 56-01. Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

Criminal History Background Check - means a review and determination as to whether a person has any prior criminal record according to a process approved by the Township and administered by a company specializing in the performance of such checks.

Employee - means an individual eighteen (18) years of age or older who receives compensation from the Township to perform services for a Marlboro Youth Program and has unsupervised direct access to minors. This definition includes applicants for a position as an Employee.

Marlboro Youth Program - means any program offering services for persons younger than eighteen (18) years of age, including but not limited to sports leagues, that are funded and/or administered, in whole or in part, by the Marlboro Recreation Commission.

Qualified Participant - means an Employee or Volunteer who has completed a Criminal History Background Check revealing no disqualifying convictions.

Review Committee - means a committee consisting of no more than six (6) members including, the Superintendent of the Recreation Commission, the Chairperson of the Recreation Commission, the Mayor or his designee and no less than two (2) and no more than three (3) volunteers who shall serve for terms of two (2) years. The Review Committee shall be charged with the review of all appeals filed by any Employee or Volunteer who has been determined to be disqualified under this Chapter from providing services to a Marlboro Youth Program.

Unsupervised Direct Access to Minors - means the ability to have interaction with a person or persons who are younger than eighteen (18) years of age without the constant observation of the parent(s) or guardian(s) of the youth(s) or without the constant observation of a representative of law enforcement or a supervising Qualified Participant.

Volunteer - means a coach or assistant coach of a Marlboro Youth Program who does not receive compensation from the Township.

§ 56-02. Criminal History Background Check Requirement; Costs.

- A. The Township requires that all Employees and Volunteers of a Marlboro Youth Program obtain a Criminal History Background Check prior to providing services.
- B. No prospective Employee or Volunteer of a Marlboro Youth Program will be permitted to commence services prior to the completion of the Criminal History Background Check process and a determination that he or she is a Qualified Participant, except as set forth in Subsection C below.
- C. A prospective Employee or Volunteer who has requested the necessary Criminal History Background Check through the Superintendent of the Recreation Commission and who has provided all of the required information pursuant to Section 56-03 may commence services to a Marlboro Youth Program under the direct supervision of a Qualified Participant pending the results of the Criminal History Background Check.
- D. An Employee or Volunteer required by this Chapter to undergo a Criminal History Background Check who refuses to consent to this procedure shall not participate in any Marlboro Youth Program.
- E. The cost of conducting the Criminal History Background Checks required under this Chapter shall be paid by the Marlboro Recreation Commission from the fees paid by participants of the Marlboro Youth Programs.
- F. The Superintendent of the Recreation Commission shall set forth policies and procedures to implement this Chapter, which policies and procedures shall not be inconsistent with the terms of this Chapter.

§ 56-03. Submission of information for Criminal History Background Checks.

- A. All Employees and Volunteers required to by this Chapter to obtain a Criminal History Background Check shall, pursuant to a procedure established by the Superintendent of the Recreation Commission, submit their name, address, date of birth, written consent and any other data deemed necessary by the Superintendent of the Recreation Commission to perform the Criminal History Background Check. The Superintendent of the Recreation Commission shall coordinate the Criminal History Background Check.

- B. The Superintendent of the Recreation Commission is hereby authorized to exchange the information obtained pursuant to Subsection A of this Section with the company performing the Criminal History Background Checks.

§ 56-04. Exemption from Criminal History Background Checks.

Any person who, through prior compliance with this Chapter subsequent to its enactment, or who, by virtue of his or her occupation, was required by statute or otherwise to undergo a criminal history background check that is as comprehensive as the check required herein, as determined in the sole discretion of the Superintendent of the Recreation Commission, is exempt from the requirements of this Chapter, unless three (3) years have elapsed from the date of the most recent background check. The individual must provide proof of the date and results from the background check to the Superintendent of the Recreation Commission to be exempt from the requirements of this Chapter.

§ 56-05. Continuing Obligation.

Notwithstanding prior compliance with this Chapter, no individual shall be permitted to continue as an Employee or Volunteer of a Marlboro Youth Program unless the latest Criminal History Background Check on file with the Marlboro Recreation Commission was performed within the prior three (3) year period.

§ 56-06. Disqualification from service.

- A. A person shall be disqualified from serving as an Employee or Volunteer of a Marlboro Youth Program if that person's Criminal History Background Check reveals a record of conviction of any crime or disorderly offense:
1. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1, *et seq.* (criminal homicide), N.J.S.A. 2C:12-1, *et seq.* (assault; reckless endangering; threats), N.J.S.A. 2C:13-1, *et seq.* (kidnapping and related offenses), N.J.S.A. 2C:14-1 *et seq.*, (sexual offenses), or N.J.S.A. 2C:15-1, *et seq.* (robbery); or
 2. Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, *et seq.*, or

3. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes, or

4. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except for N.J.S.A. 2C:35-10(a)(4) (minimal amounts of marijuana or hashish).

5. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly person's offenses described in subsections 1 through 4.

B. In the event a charge is pending against a person, that person shall be temporarily disqualified from service pending the resolution of that charge. If such charge results in a conviction of a crime or disorderly person's offense described in Subsection A of this Section that would disqualify the person from service, such person shall be deemed disqualified as of the date of conviction.

C. If a pending charge is for an offense that would serve to disqualify the person from service upon conviction, the person shall report the pending charge on the earliest of his submission to the Criminal History Background Check or the date he learns of the charge. The individual shall also report the disposition of the charge immediately upon receiving notice of said disposition.

D. In the event the Criminal Background History Check reveals that there may have been an offense by the potential Employee or Volunteer that cannot be confirmed or for which records cannot be obtained, the potential Employee or Volunteer will not be disqualified, but will be required to appear before the Review Committee to present evidence regarding the alleged offense.

§ 56-07. Results; Determination of Disqualification.

If, following the completion of the Criminal History Background Check, a disqualifying conviction exists as set forth in this Chapter, then the Superintendent of the Recreation Commission shall notify the Employee or Volunteer in writing via certified and regular mail of that person's disqualification to serve with the Marlboro Youth Program. The written notice shall not divulge any information regarding the nature of the conviction(s); rather, the written notice shall simply state that the Employee or Volunteer is disqualified pursuant to this Chapter. The written notice shall also state that the individual may appeal the determination by filing a

written notice of appeal in accordance with the requirements of Section 56-08 below.

§ 56-08. Disqualification Appeals Process.

A. Grounds for Appeal. Any current or prospective Employee or Volunteer who is disqualified in accordance with this Chapter may appeal that determination for good cause shown. "Good cause" shall include, but is not limited to the following:

1. The background check produced inaccurate or incomplete information;

2. The age of the individual at the time of the offense or crime or conviction;

3. The nature and circumstances underlying the conviction indicate that the individual does not presently pose a threat;

4. The conviction arose out of an isolated incident;

5. The conviction(s) and underlying incident(s) are not relevant to the position sought;

6. Since the conviction, the individual has taken significant steps towards rehabilitation, including but not limited to counseling, treatment, schooling, vocational training, and successful completion of a court-ordered program; and

7. An individual with supervisory responsibilities over the appealing party gives a recommendation on his or her behalf.

B. Notice of appeal. Any current or prospective Employee or Volunteer may file an appeal from a determination under this Chapter by filing a written notice of appeal with the Superintendent of the Recreation Commission within ten (10) days of his or her receipt of the written notice of disqualification stating the basis under which he or she is appealing the determination.

C. Notice of Hearing. Within seven (7) days of the filing of a written notice of appeal, the Review Committee shall send a written notice to the applicant via certified and regular mail providing a hearing date no later than thirty (30) days from the filing of the notice of appeal. The Review Committee's letter shall inform the individual that he or she has the right to be represented by counsel and that he or she may call witnesses and present documentation on his or her behalf. The

letter shall further explain that the individual shall, on or prior to the date of the hearing, provide the Review Committee with all documentation, including but not limited to police reports and court dispositions, relating to the subject conviction(s). The letter shall further state that the Review Committee's decision may be rendered faster following the hearing if the individual provides said documentation prior to the hearing date.

- D. Hearing. The hearing before the Review Committee shall be closed to the general public. It shall be attended only by the members of the Review Committee, the Township Attorney, the appealing individual, his or her attorney if so retained, and any witnesses who desire to speak on behalf of the appealing individual, which witnesses will be present only for the period of their own testimony. During the course of the hearing, the appealing individual shall be given the opportunity to read a prepared statement, to speak freely, and/or to present witnesses and/or documentation on his or her behalf.
- E. Determination. Immediately following the hearing, or at a time not later than three (3) days following the hearing, the Review Committee and Township Attorney shall meet to discuss the appeal. Factors including but not limited to the following shall be considered as appropriate:
 - 1. The age of the individual at the time of the offense and conviction;
 - 2. The nature and seriousness of the offense;
 - 3. The harm to individuals and/or society arising out of the incident(s) underlying the conviction(s);
 - 4. The date of the conviction;
 - 5. Whether the individual demonstrates that he or she has been rehabilitated;
 - 6. The input of others with supervisory roles over the appealing individual;
 - 7. The candor of the appealing individual;
 - 8. Whether the offense was an isolated incident or part of a pattern of behavior;

F. Within five (5) days of the decision by the Review Committee, the Superintendent of the Recreation Commission shall notify the individual of the decision in writing via certified and regular mail.

§ 56-9. Use of Criminal History Background Check Information.

Information obtained as a result of the Criminal History Background Check shall not be disseminated to any other individual or entity in any form, except as necessary for litigation resulting from the determinations made pursuant to this Chapter. The Recreation Commission shall adhere to all Federal, State and local laws governing the confidentiality and/or access to criminal history record information."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on August 1, 2006.

Motion to table Resolution #2006-128 (carried from 3/16 - Bond Reduction Triangle Ridge) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor). There was a brief discussion between Mayor, Council, Township Engineer James Priolo and the legal department. Consensus of Council was to invite the attorney for the developer to the April 20th meeting.

The following Resolution #2006-149 (Authorizing Certification by Mayor - CDBG) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-149

A CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR TO
SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE
FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL
FUNDS FOR LOBBYING

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2006; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Township of Marlboro execute a project agreement with Monmouth County to undertake a project known as Renovations to Morganville Senior Center and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Marlboro sign additional certifications in order to receive these funds; and

WHEREAS, the Township of Marlboro has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and make part of this resolution.*

NOW, THEREFORE, BE IT RESOLVED, that the Township of Marlboro has met the conditions of receiving a FY 2006 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Township of Marlboro is hereby authorized to sign the attached certifications which will become part of the FY 2006 Project Agreement.

The following Resolution #2006-149A (Authorizing Project Agreement - CDBG) was introduced by reference, offered by Councilwoman Tragni,

seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-149A

A CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY
FOR PERFORMANCE AND DELIVERY OF FY 2006 COMMUNITY
DEVELOPMENT PROJECTS

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2006 from the United States Department of Housing and Urban Development; and

*Copy of attached material on file in Clerk's office.

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY 2005 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Township of Marlboro with a grant allocation of \$51,416.00.

WHEREAS, the Township of Marlboro hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Township of Marlboro has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the Township of Marlboro are authorized to execute with the County of Monmouth the attached Project Agreement.

The following Resolution #2006-150 (Emergency Temporary Budget) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-150

EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2006 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2005 appropriations with the exception of debt service and seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2006 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total;; \$16,151,348.40 for the municipal budget and \$416,500.00 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2006 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2006 Temporary Emergency Appropriation

CURRENT FUND - OPERATING
APPROPRIATIONS

Administration (30)
Salary & Wages
Other Expenses

110,000.00
26,800.00

Office of the Mayor (10)	
Salary & Wages	25,000.00
Other Expenses	2,850.00
Township Council (21)	
Salary & Wages	9,000.00
Other Expenses	4,000.00
Public Information	
Salary & Wages	51,000.00
Other Expenses	19,300.00
Municipal Clerk (20)	
Salary & Wages	86,000.00
Other Expenses	33,850.00
Finance	
Salary & Wages	105,000.00
Other Expenses	15,250.00
Annual Audit	0.00
Central Computer Services	
Salary & Wages	14,250.00
Other Expenses	13,750.00
Tax Collector	
Salary & Wages	105,000.00
Other Expenses	16,500.00
Tax Assessor	
Salary & Wages	85,000.00
Other Expenses	47,500.00
Legal Serivices	
Salary & Wages	
Other Expenses	250,000.00
Engineering Services	
Salary & Wages	136,250.00
Other Expenses	59,200.00
Economic Development	
Salary & Wages	
Other Expenses	500.00

Community Relations	
Other Expenses	100.00
Inter- Governmental Relations	
Other Expenses	1,500.00
Homeland Security	
Salary & Wages	17,500.00
Other Expenses	26,000.00
Historic Sites Commission	
Other Expenses	2,000.00
Planning Board	
Salary & Wages	51,000.00
Other Expenses	20,500.00
Planning Board Contractual	
Other Expenses	21,750.00
Zoning Board	
Salary & Wages	57,500.00
Other Expenses	13,000.00
Liability Insurance	350,000.00
Workers Comp	300,000.00
Group Insurance	1,100,000.00
Unemployment Insurance	10,000.00
Police	
Salary & Wages	3,500,000.00
Other Expenses	171,000.00
Crime Prevention	
Other Expenses	14,500.00
DARE Program	
Other Expenses	11,500.00
Highway Safety	
Other Expenses	15,000.00

Emergency Management	
Salary & Wages	8,750.00
Other Expenses	10,000.00
Aid to Volunteer Ambulance Companies	
Other Expenses	30,000.00
Uniform Fire Safety Act	
Salary & Wages	61,750.00
Other Expenses	10,475.00
Municipal Prosecutors Office	
Salary & Wages	15,000.00
Streets and Road Maint	
Salary & Wages	700,000.00
Other Expenses	22,400.00
Snow Removal	
Salary & Wages	75,000.00
Other Expenses	200,000.00
Public Works - Other	
Salary & Wages	165,000.00
Other Expenses	30,000.00
Shade Tree Commission	
Salary & Wages	1,000.00
Other Expenses	5,000.00
Solid Waste Collection	
Salary & Wages	12,250.00
Other Expenses	450,000.00
Buildings & Grounds	
Salary & Wages	252,500.00
Other Expenses	70,000.00
Vehicle Maintenance	
Salary & Wages	260,000.00
Other Expenses	57,000.00
Community Services Act	
Other Expenses	0.00

Public Health Services - Registrar	
Salary & Wages	3,250.00
Other Expenses	850.00
Drug Abuse Control	
Salary & Wages	
Other Expenses	5,775.00
Environmental Health Services	
Salary & Wages	
Other Expenses	4,000.00
Animal Control Services	
Other Expenses	20,000.00
Recreation	
Salary & Wages	171,500.00
Other Expenses	65,000.00
Teen Program	
Salary & Wages	3,500.00
Other Expenses	5,000.00
Summer Youth Activities	
Salary & Wages	3,500.00
Other Expenses	3,500.00
Park Maintenance	
Salary & Wages	195,000.00
Other Expenses	25,000.00
Municipal Library	
Other Expenses	8,500.00
Little League	
Other Expenses	0.00
Pop Warner	
Other Expenses	0.00
Prior Year Bills	38,500.00
Accumulated Leave Compensation	0.00
Salary and Wage Adjustment	0.00

Postage	
Other Expenses	30,000.00
Electricity	132,000.00
Street Lighting	305,250.00
Telephone	60,000.00
Water	7,800.00
Natural Gas	50,000.00
Sewer	3,500.00
Gasoline	125,000.00
Landfill Disposal Costs	200,000.00
PERS	132,500.00
FICA	500,000.00
Municipal Court	
Salary & Wages	150,000.00
Other Expenses	57,000.00
Public Defender	
Salary & Wages	
Other Expenses	8,250.00
Affordable Housing	
Salary & Wages	4,500.00
Other Expenses	2,350.00
Police Dispatch 911	
Salary & Wages	287,500.00
Other Expenses	105,000.00
LOSAP	
Other Expenses	0.00
PFRS	
Other Expenses	614,500.00
Library County Contract	
Other Expenses	10,000.00

SFSP Fire District Payments	
Other Expenses	7,000.00
Monmouth Drug & Alcohol	
Grant Share	33,095.00
Local Share	8,273.75
StormWater Regulation Grant	
Grant Share	15,464.00
Local Share	3,866.00
Body Armor Grant	6,694.65
NJDOT- Safe Streets to School Grant	40,000.00
Handicapped Recreational Opportunities Grant	4,910.00
Capital Improvement Fund	
Other Expenses	200,000.00
Bond Principal	1,696,000.00
Bond Interest	795,680.00
Note Interest	116,500.00
Green Acres Trust - P & I	28,865.00
Capital Lease program	
Principal	450,000.00
Interest	72,000.00

Totals	16,151,348.40
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SWIM UTILITY - OPERATING
APPROPRIATIONS

Salary & Wages	200,000.00
Other Expenses	150,000.00
Capital Outlay	40,000.00

Payment of Bond Principal	10,000.00
Payment of Bond Interest	1,500.00
PERS	
FICA	15,000.00
Totals	416,500.00

The following Resolution #2006-151 (Cancellation of Bond Ordinance) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-151

WHEREAS, certain ordinances exist on the financial records of the Township of Marlboro, Monmouth County, State of New Jersey with both funded and unfunded balances, and

WHEREAS, the purposes for which these projects or ordinances were originally passed are either complete or deemed no longer necessary, and

WHEREAS, it is the desire of the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to cancel these ordinances and remove the unfunded authorizations from the Township debt and funded balances to capital surplus.

NOW, THEREFORE, BE IT RESOLVED, that the Capital Ordinances listed below are hereby cancelled in the amounts listed.

Ordinance Number	Purpose	Funded Balance	Unfunded Balance
28-00	Underground Storage Tanks	9,362.55	
	Dump Truck Acquisition	1,556.00	
	Storage Shed	46,805.00	
	Vehicle Purchase	4,989.95	
18-01	Roof Renovations	1,330.00	
	Sump Pump discharge	100,000.00	
	Underground Tank Removal	10,000.00	
	Vehicles	1,171.87	715.00
02-17	Whittier Oaks Design	40,000.00	
	Pavement Management Study	9,100.00	
	Municipal Lot Paving	19,338.87	

	Village Sewer	91,800.88	
	Sump Pump	50,000.00	
	Library Water Line	26,900.00	
	Dump Truck & Loader	2,144.41	
02-21	Blossom Heights Sewer	119,834.11	
03-07	Layfayette Knolls	74,000.00	
03-11	Sump Pump design	20,000.00	
	Road Reconstruction	199,479.66	15.00
04-21	Milay & Fletcher Improvements		150,000.00
	Union Hill Road		6,286.87
Total		827,813.30	157,016.87

The following Resolution #2006-152 (Authorizing Contract - Public Works Storage Bldg. - Birdsall Eng.) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-152

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN
BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO
FOR ENGINEERING SERVICES IN CONNECTION
WITH THE RECONSTRUCTION OF THE PUBLIC WORKS
VEHICLE STORAGE GARAGE

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with the reconstruction of the public works vehicle storage garage; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated April 20, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional engineering services for an amount not to exceed \$38,500.00; and

WHEREAS, the Chief Financial Officer has certified in writing that the value of this proposal will exceed \$17,500.00; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number X-04-55-950-908.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2006-153 (Authorizing Change of Scope of Project - Electrical Design - French & Parrello) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-153

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN
FRENCH & PARELLO ASSOCIATES, P.A. AND THE TOWNSHIP OF
MARLBORO FOR ELECTRICAL DESIGN AND INSPECTION SERVICES IN
CONNECTION WITH THE CONSTRUCTION OF AN ADDITION TO THE
POLICE AND BUILDING DEPARTMENTS

WHEREAS, the Township of Marlboro is in need of professional design and inspection services in connection with the construction of an addition to the Police and Building Departments; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, French & Parello Associates, P.A. has submitted the attached proposal dated February 28, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$5,680.00; and

WHEREAS, French & Parello Associates, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that French & Parello Associates, P.A. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit French & Parello Associates, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire French & Parello Associates, P.A. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising

for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between French & Parello Associates, P.A. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number X-04-55-959-955.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. French & Parello Associates, P.A.
- b. Township Adminsitrator
- c. Township Public Works Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2006-154 (Authorizing Contract - Arcari & Iovino) Architect - Bldg. & Police Renovations was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-154

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN
ARCARI & IOVINO ARCHITECTS, P.C. AND THE TOWNSHIP OF
MARLBORO FOR ARCHITECTURAL SERVICES IN CONNECTION
WITH THE CONSTRUCTION OF AN ADDITION TO THE
POLICE AND BUILDING DEPARTMENTS

WHEREAS, the Township of Marlboro is in need of professional architectural services in connection with the construction of an addition to the Police and Building Departments; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Arcari & Iovino Architects, P.C. has submitted the attached proposal dated February 20, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional architectural services for an amount not to exceed \$65,000.00; and

WHEREAS, the Chief Financial Officer has certified in writing that the value of this proposal will exceed \$17,500.00; and

WHEREAS, Arcari & Iovino Architects, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Arcari & Iovino Architects, P.C. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Arcari & Iovino Architects, P.C. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Arcari & Iovino Architects, P.C. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Arcari & Iovino Architects, P.C. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is

attached hereto, and that sufficient funds are available for said contact from Account Number X-04-55-943-911.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Arcari & Iovino Architects, P.C.
- b. Township Public Works Department
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2006-155 (Authorizing Contract - Appraisal B. 147, Lot 5 - Buchalski, Reynolds & Brodowski) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-155

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN
BUCHALSKI, REYNOLDS & BRODOWSKI AND THE TOWNSHIP OF
MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 147, LOT 5 IN
CONNECTION WITH COAH

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 147, Lot 5 in connection with COAH; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Buchalski, Reynolds & Brodowski has submitted the attached proposal dated March 29, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$2,500.00; and

WHEREAS, Buchalski, Reynolds & Brodowski has completed and submitted a Business Entity Disclosure Certification which certifies that Buchalski, Reynolds & Brodowski has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Buchalski, Reynolds & Brodowski from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Buchalski, Reynolds & Brodowski to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Buchalski, Reynolds & Brodowski and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number T-18-56-858-028.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Buchalski, Reynolds & Brodowski
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution #2006-156 (Authorizing Settlement Agreement CME - Aquatic Center) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-156

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT
AGREEMENT WITH CME ASSOCIATES

WHEREAS the Township awarded a contract to CME Associates ("CME") to perform engineering services in connection with the design and construction of the Marlboro Aquatic Center; and

WHEREAS, prior to acceptance of the Marlboro Aquatic Center by the Township, certain disputes arose between the Township and the contractor which built the Marlboro Aquatic Center, Stoneridge, Inc., ("Stoneridge") regarding their respective rights and obligations under the Township-Stoneridge Contract; and

WHEREAS, on or about November 23, 2004, Stoneridge initiated an arbitration proceeding with the American Arbitration Association entitled Stoneridge, Inc. v. Township of Marlboro, AAA No. 18 110 Y 08843-04 (the "Arbitration Proceeding") through the filing of a Demand for Arbitration asserting certain claims arising from its contract with the Township of Marlboro for the design and construction of the Marlboro Aquatic Center; and

WHEREAS, on or about December 17, 2004, the Township filed an Answering Statement to Stoneridge's Demand for Arbitration which included a counterclaim against Stoneridge; and

WHEREAS, the Township adopted Resolution #2005-193 on May 5, 2005 authorizing the Mayor to execute a Settlement Agreement with Stoneridge, Inc.; and

WHEREAS, the Township has alleged certain issues connected with CME's services to the Township on the Marlboro Aquatic Center may have, in part, been responsible for Stoneridge's claims against the Township; and

WHEREAS, CME denies any allegations of negligence or wrongdoing or that its services in any way led to Stoneridge's claims against the Township; and

WHEREAS, to avoid the cost and uncertainty of prosecution and defense of the Township's claims against CME, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle its claims against CME pursuant to the terms and conditions set forth within the Settlement Agreement and General Release attached hereto; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a settlement agreement by and between the Township and CME in a form substantially similar to the Settlement

Agreement and General Release attached hereto and to take all steps necessary to comply with the terms and conditions of that Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Joseph Suarez, Esq., Attorney for CME Associates
- b. Township Administrator
- c. Gluck Walrath, LLP.

Resolution #2006-157 (Adopting Police and Procedures Manual) was carried to the April 6th agenda.

The following Resolution #2006-158 (Authorizing Settlement of Tax Appeal - Sunrise Assisted Living) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-158

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEALS FILED BY
SUNRISE MARLBORO ASSISTED LIVING FOR TAX YEARS 2005 AND 2006

WHEREAS, Sunrise Marlboro Assisted Living owns certain real property located within the Township which is identified on the Township's Tax Map as Block 355, Lot 3.01 (the "Sunrise Property"); and

WHEREAS, Sunrise Marlboro Assisted Living filed an appeal with the New Jersey Tax Court challenging the validity of the Township's assessment of the Sunrise Property for tax year 2005 entitled Sunrise Marlboro Assisted Living v. Marlboro Twp., Docket No. 004253-2005 and filed an appeal with the New Jersey Tax Court challenging the validity of the Township's assessment of the Sunrise Property for tax year 2006 entitled Sunrise Marlboro Assisted Living v. Marlboro Twp., Docket No. 000721-2006 (the "Sunrise Tax Appeals"); and

WHEREAS, as a result of a court-ordered mandatory settlement conference conducted between the parties, Sunrise Marlboro Assisted Living has agreed to settle the Sunrise Tax Appeals by dismissing its tax appeal for tax year 2005 and by accepting an adjusted

equalized assessment on the Sunrise Property for tax year 2006 of \$4,400,000.00; and

WHEREAS, the Township's Tax Assessor has recommended that the Township Council authorize the settlement of the Sunrise Tax Appeals in the manner set forth herein; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle the Sunrise Tax Appeals in the manner set forth herein in order to avoid the cost and uncertainty of litigation of the Sunrise Tax Appeals.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the Sunrise Tax Appeals pursuant to the terms and conditions set forth herein is hereby approved; and

BE IT FURTHER RESOLVED, that the Tax Assessor and the Township Attorney are hereby authorized to execute any documents necessary to effectuate the terms of this settlement and to take all steps necessary to comply with the terms and conditions of the settlement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Greg Lotz, Esq., Atty for Sunrise Marlboro Assisted Living.
- b. Township Tax Assessor.
- c. Gluck Walrath, LLP.

The following Resolution #2006-159 (Authorizing Lease Agreement for Recreation Aquatic Center) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-159

A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND THE MARLBORO TOWNSHIP SWIM UTILITY FOR
THE MARLBORO AQUATIC CENTER

WHEREAS, the Township owns the Marlboro Aquatic Center which is an outdoor swimming facility located at the Vanderburg Soccer Complex, Vanderburg Road, Marlboro, New Jersey (the "Aquatic Center"); and

WHEREAS, the Marlboro Township Swim Utility desires to lease from the Township the Aquatic Center for use during specific portions of the season and to sublease the Aquatic Center to the Recreation Commission for certain remaining portions of the season; and

WHEREAS, the Township Council now desires to authorize such lease arrangement in accordance with N.J.S.A. 40A:12-14(b).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor be and hereby is authorized to execute a lease agreement between the Township of Marlboro and the Swim Utility for the Marlboro Aquatic Center; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Swim Club Division
- b. Recreation Commission
- c. Chief Financial Officer
- d. Business Administrator
- e. Gluck Walrath, LLP.

The following Resolution #2006-160 (Award of Bid - Recreation - Coach Bussing) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-160

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
STOUT'S CHARTER SERVICE, INC. FOR THE PROVISION OF COACH
BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF RECREATION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide coach bus transportation services for the Township of Marlboro Department of Recreation; and

WHEREAS, the Township received one bid which was submitted by Stout's Charter Service, Inc. having its principal office at 20 Irven Street, Trenton, New Jersey for the following amounts related to the provision of summer recreational bus service:

Price (Per Bus)	Location (*extended day trips)
\$724	Amboy Roller Rink, South Amboy, NJ
\$732	Seven Presidents Beach, Long Branch, NJ
\$766	The Quarry Swim Club, Hopewell, NJ
\$754	Rockville Climbing Center, Hamilton, NJ
\$766	Blackbeards Cave, Bayville, NJ
\$741	Belmar Beach, Belmar, NJ
\$782	Citizens Bank Park*, Philadelphia, PA
\$748	Great Adventure/Hurricane Harbor*, Jackson, NJ
\$732	Wall Sports Arena, Wall, NJ
\$741	Jenkinsons Beach, Point Pleasant, NJ
\$805	Funtown Pier, Seaside Park, NJ
\$732	Keansburg Amusement Park, Keansburg, NJ
\$724	Combat Sports, Manalapan, NJ
\$825	Bucks County River Country*, Point Pleasant, PA
\$784	Circle Line Cruises, Pier 83, New York, NY
\$814	Island Beach State Park, Seaside Park, NJ
\$774	Sandy Hood Beach, Sandy Hook, NJ
\$805	Breakwater Beach, Seaside Heights, NJ; and

WHEREAS, the Administration and the Township Attorney have reviewed said bid and recommend that the contract be awarded to Stout's Charter Service, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Stout's Charter Service, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide bus transportation services for the Township of Marlboro Department of Recreation should be awarded to Stout's Charter Service, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Stout's Charter Service, Inc. for the provision of bus transportation services for the Township of Marlboro Department of Recreation subject to the rates set forth above and in accordance with the bid proposal submitted by Stout's Charter Service, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said

contract from Account Number #T-17-56-867-817 and township budget line 146-263; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stout's Charter Service, Inc.
- b. Department of Recreation
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. # 2006-161 (Award of Contract - Hetrich Fleet - Dodge - Police Detective Bureau), Res. # 2006-162 (Authorization to Bid - Sidewalks Route 79/Marlboro High School, Reconstruction of Route 520 West of Route 9 Phase I and Vanderburg Park Culvert Extension), Res. # 2006-163 (Reject and Rebid - Janitorial Services).

RESOLUTION # 2006-161

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) NEW 2006
DODGE MAGNUM SE RWD AND RELATED EQUIPMENT
STATE CONTRACT #A63964

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase one (1) new 2006 Dodge Magnum SE RWD and related equipment from Hertrich Fleet Services, Inc., 695 North DuPont Boulevard, Milford, DE 19963 under State Contract #A63964 not to exceed \$17,929.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said vehicle to the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Number Y-05-55-012-951 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicle and related equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) new 2006 Dodge Magnum SE RWD and related equipment from Hertrich Fleet Services, Inc., 695 North DuPont Boulevard, Milford, DE 19963 under State Contract #A63964 not to exceed \$17,929.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Hertrich Fleet Services, Inc., Milford, De
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-162

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Sidewalk Improvements - Route 79 at Marlboro High School

Route 520 between Lowes and Old Bridge (Robertsville Rd.)

Vanderburg Park Culvert Extension

RESOLUTION # 2006-163

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Janitorial Service

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Janitorial Service

as required by law.

The following items were carried to the April 20th agenda: Item #22 (Tax Collector Resolutions).

At 9:40PM, Councilman Pernice moved that the meeting go into executive session for reason of discussing litigation, property acquisition, contract negotiation and personnel. This was seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). Recess was called and the executive session reconvened at 9:50 PM.

RESOLUTION # 2006-164

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 6th day of April, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation, personnel and acquisition of property.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:40PM, Council President Morelli moved that the meeting be opened. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:41PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 18, 2006

OFFERED BY: Morelli

AYES: 4

SECONDED BY: Pernice

NAYS: 0

ABSTAIN: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT